

# ARKANSAS SUPREME COURT

No. CR 06-938

RONNIE LEE SMITH  
Petitioner

v.

STATE OF ARKANSAS  
Respondent

Opinion Delivered March 15, 2007

PRO SE MOTION FOR RULE ON  
CLERK TO PROCEED WITH SECOND  
MOTION FOR BELATED APPEAL  
[CIRCUIT COURT OF BENTON  
COUNTY, CR 2003-342, HON. TOM J.  
KEITH, JUDGE]

MOTION DISMISSED.

## PER CURIAM

In 2005, judgment was entered reflecting that petitioner Ronnie Lee Smith had entered a plea of guilty to possession of drug paraphernalia with intent to manufacture and was sentenced to 180 months' imprisonment. The judgment and commitment order, which included charges from two other cases, was filed on August 24, 2005.

In 2006, petitioner filed in this court pro se motions for belated appeal and for rule on clerk, seeking to proceed with an appeal from the August 24, 2005, judgment. In the motions, petitioner contended that he was found guilty by a jury. However, the certified copy of the judgment and commitment order reflected that petitioner entered a plea of guilty. As Ark. R. Crim. P. 1(a) provides that there is no direct appeal from a plea of guilty, except in certain instances which were not applicable to petitioner's case, we determined that petitioner had no right to appeal from the August 24, 2005, judgment. Accordingly, the motions were declared moot. *Smith v. State*, CR 06-938 (Ark. Oct. 12, 2006).

On February 23, 2007, petitioner filed the motion now before us in which he seeks leave to

proceed with a second motion for belated appeal of the judgment.<sup>1</sup> Petitioner claims that the certified judgment was in error and that the circuit clerk, judge, prosecutor, and his attorney all misled this court that he entered a plea of guilty.

We first note that if there was indeed an error in the judgment, it was petitioner's responsibility to obtain an amended judgment. As to petitioner's desire to proceed with a second motion for belated appeal of the judgment that was contained in the record before this court, motions for belated appeal are filed pursuant to Ark. R. App. P.–Crim. 2(e), and we have held that a convicted defendant is not entitled to proceed under Rule 2(e) with a subsequent motion after a request to proceed with a belated appeal has been denied. *Hughes v. State*, 284 Ark. 177, 680 S.W.2d 101 (1984) (per curiam).

Motion dismissed.

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<sup>1</sup>For clerical purposes, the motion was filed under the docket number assigned to the original motions for belated appeal and rule on clerk filed in the case.